

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALFONS CEUNEN and MAGDA HOUTMAN, CV No. 08 CIV 6604

Plaintiffs,

NOTICE OF REMOVAL

-against-

THE CITY OF NEW YORK,
THE NEW YORK CITY POLICE DEPARTMENT
and RICHARD KOSMAN,

DEFENDANT DEMANDS
A TRIAL BY JURY

Defendants.

-----X

S I R S:

PLEASE TAKE NOTICE, that a Notice for Removal of the above-entitled action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York (a copy of which is annexed hereto) was duly filed this date in the United States District Court for the Southern District of New York, by the defendant, RICHARD KOSMAN.

DATED: Westbury, New York
July 21, 2008

PICCIANO & SCAHILL, P.C.
Attorney for Defendant
RICHARD KOSMAN

JOHN F. PICCIANO (JFP-3113)
900 Merchants Concourse, Suite 310
Westbury, New York 11590
(516) 294-5200

TO: SALENGER, SACK, SCHWARTZ and KIMMEL, LLP
Attorneys for Plaintiffs
233 Broadway, Suite 950
New York, New York 10279
(212) 267-1950

MICHAEL A. CARDOZO
Corporation Counsel
Attorneys for Defendants
THE CITY OF NEW YORK and NYPD
100 Church Street
New York, New York 10007

CLERK OF SUPREME COURT,
BRONX COUNTY
851 Grand Concourse
Bronx, New York 10451

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALFONS CEUNEN and MAGDA HOUTMAN,

Plaintiff,

CV No.

-against-

NOTICE OF REMOVAL

THE CITY OF NEW YORK,
THE NEW YORK CITY POLICE DEPARTMENT
and RICHARD KOSMAN,

Bronx County
Index No. 304790/08

Defendants.

-----X

**TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

The defendant, RICHARD KOSMAN, requests removal of this action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York, and respectfully shows to this Honorable Court:

FIRST: That the defendant, RICHARD KOSMAN, is the defendant in a civil action brought against him in the Supreme Court of the State of New York, County of Bronx, entitled:

-----X
ALFONS CEUNEN and MAGDA HOUTMAN,

Plaintiffs,

-against-

THE CITY OF NEW YORK,
THE NEW YORK CITY POLICE DEPARTMENT
and RICHARD KOSMAN,

Defendants.

-----X

SECOND: The said action was commenced by the service of the summons and complaint upon the defendant, RICHARD KOSMAN, on or about July 19, 2008. The defendant, RICHARD KOSMAN, served a Verified Answer upon plaintiffs' counsel on July 21, 2008. Copies of the Summons and Complaint and Answer are attached hereto and constitute all known process and pleadings served upon defendant to date.

THIRD: In the above-described action, the plaintiffs allege that they sustained personal injuries due to the negligence of the defendant as the result of an automobile accident which occurred on May 3, 2007.

FOURTH: The plaintiffs, ALFONS CEUNEN and MAGDA HOUTMAN, are residents and citizens of the Country of Belgium.

FIFTH: The defendant, RICHARD KOSMAN, is a resident and a citizen of Suffolk County, State of New York.

SIXTH: The within action is one over which this Court has jurisdiction by virtue of 28 USC Section 1322 on the grounds that the Court has diversity jurisdiction in actions where the parties are residents of different countries.

SEVENTH: The amount in controversy exceeds \$75,000.00.

EIGHTH: The within Notice of Removal is filed within 30 days of receipt, by the moving defendant, of the Summons and Complaint, pursuant to 28 U.S.C. § 1446(b).

WHEREFORE, the defendant, RICHARD KOSMAN, prays that this action be removed to the United States District Court for the Southern District of New York and that this case proceed in this Court as a properly removed cause, and that the defendant has such other, further and different relief as this Court may deem to be just and proper.

DATED: Westbury, New York
July 21, 2008

PICCIANO & SCAHILL, P.C.
Attorney for Defendant
RICHARD KOSMAN

JOHN F. PICCIANO (JFP-3113)
900 Merchants Concourse, Suite 310
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STATE OF NEW YORK, COUNTY OF **NASSAU**

I, DIANE WACHTER, being sworn, depose and say: I am not a party to the action, am over 18 years of age and reside at Smithtown, New York. On July , 2008, I served the within: **NOTICE OF REMOVAL**

on: SALENGER, SACK, SCHWARTZ and KIMMEL, LLP
Attorneys for Plaintiffs
233 Broadway, Suite 950
New York, New York 10279
(212) 267-1950

MICHAEL A. CARDOZO
Corporation Counsel
Attorneys for Defendants
THE CITY OF NEW YORK and NYPD
100 Church Street
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by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the above at the last known address as set forth after each name.

DIANE WACHTER

Sworn to before me on this
day of July, 2008.

Notary Public